

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Robin L. Boucher and Cary D. Boucher,

Plaintiffs,

v.

U.S. Bank National Association, as Trustee for
the RMAC Trust, Series 2016-CTT, successor
in Interest to Mortgage Electronic Registration
Systems, Inc. as nominee for National Future
Mortgage, Inc.,

Defendant.

Civil Action No. 4:22-cv-11894-NMG

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE RMAC TRUST,
SERIES 2016-CTT'S MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(6), defendant U.S. Bank National Association, as Trustee for the RMAC Trust, Series 2016-CTT, ("Defendant"), by and through its counsel, Day Pitney LLP ("Day Pitney"), moves to dismiss the amended complaint filed by Robin L. Boucher and Cary D. Boucher (the "Plaintiffs") in the Worcester Superior Court on October 12, 2022 (the "Complaint") and removed to the U.S. District Court for the District of Massachusetts on November 9, 2022.

The Complaint seeks an injunction and declaratory judgment with respect to, *inter alia*, Defendant's rights to foreclose under the power of sale contained in a mortgage because Plaintiffs: (1) allege that the lapse of six years since payment on the Note likewise renders the Mortgage unenforceable; (2) allege that Defendant's mailing of a notice of foreclosure sale to an address in Florida, instead of to Plaintiffs at the Property, resulted in non-compliance with Massachusetts' notice requirements to foreclose; (3) challenge the validity of the assignment to Defendant, and; (4) allege that because Robin L. Boucher did not executed the Note, the

Motion allowed. symgorton, USDC 04/06/2023